S.B.Cr.Misc. 3rd Bail Appl. No.5313/2006

(Pura Ram vs. State of Rajasthan)

Date of order : 27.11.2006

HON'BLE MR.H.R.PANWAR,J.

Mr.Sandeep Mehta, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State.

This is third bail application. Earlier two bail applications came to be dismissed as not pressed by the learned counsel for the petitioner. However, the petitioner was granted liberty to file a fresh bail application after the statements of the material witnesses are recorded.

Learned counsel for the petitioner has invited my attention to the statements of PW.6 Adesh Kumar, the Investigating Officer. I have carefully gone through the statement of PW.6.

It is contended by the learned counsel for the petitioner that there is absolutely no evidence connecting the petitioner with the commission of the crime. Even in the statement of PW.6 Adesh Kumar, the Investigating Officer, the petitioner has not

been named.

Having regard to the facts and circumstances of the case and the fact that the Motbirs have turned hostile and the Investigating Officer does not connect the petitioner with the commission of the crime, without commenting on the merit of the case which may prejudice the case of either party at the trial, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Pura Ram s/o Dhanna Ram be released on bail in FIR No.198/2005, P.S. Gogunda, distt. Udaiur provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-